

Ordinance No: 16-42  
Zoning Text Amendment No: 09-12  
Concerning: Rural Service (RS) Zone -  
Development Standards  
Draft No. & Date: 1 – 11/10/09  
Introduced: November 17, 2009  
Public Hearing: January 12, 2010  
Adopted: February 2, 2010  
Effective: February 22, 2010

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmember Knapp

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- exempt pre-existing lots or parcels in the Rural Service zone from the minimum frontage requirements; and
- generally amend the provision related to the standards for development in the Rural Service zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9  
Section 59-C-9.42

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment No. 09-12, sponsored by Councilmember Knapp, was introduced on November 17, 2009. This ZTA would allow parcels in the Rural Service (RS) zone with less than 300 feet of road frontage to develop with the frontage that existed when the Rural Service zone was applied. The sponsor believed that this provision was mistakenly absent when the RS zone was first applied.

The Montgomery County Planning Board and the Planning Board Staff in its report to the Council recommended that the text amendment be approved as introduced.

The County Council held a public hearing on January 12, 2010 to receive testimony concerning the proposed text amendment. Public testimony agreed with the sponsor that the grandfathering provision to allow less than 300 feet of road frontage was inadvertently omitted when the RS zone was adopted by the Council. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on January 21, 2010 to review the amendment. The Committee recommended approval of ZTA 09-12 as introduced.

The District Council reviewed Zoning Text Amendment No. 09-12 at a worksession held on February 2, 2010 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 09-12 will be approved as introduced.

## ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. DIVISION 59-C-9 is amended as follows:**

**Sec. 59-C-9.4. Development standards.**

The following requirements apply in all cases, except as specified in the optional standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and the exemption provisions of section 59-C-9.7.

\* \* \*

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
<b>59-C-9.42. Minimum net lot area.</b>							
No main building, together with its accessory buildings, shall be located on a lot having a net area of less than	5 acres	5 acres	5 acres	40,000 sq. ft.	2 acres <sup>4</sup>	25,000 sq. ft.	25,000 sq. ft.
<b>59-C-9.43. Minimum lot width (in feet):</b>							
(a) Measured along front building line	300	300	300	125	125	100	100
(b) Measured along front street line	25	300	300	25	300*	25	25

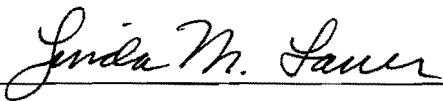
\* A minimum street frontage is not required if the lot or parcel:

- 1) was created before the application of the RS zone to the lot or parcel; and
- 2) has not changed in size or configuration by deed after the application of the RS zone to the lot or parcel.

\* \* \*

**Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in cursive script, reading "Linda M. Lauer", is written over a horizontal line.

Linda M. Lauer, Clerk of the Council